

Meeting Minutes
March 8, 2007

Town of Los Altos Hills
City Council Regular Meeting

Thursday, March 8, 2007 6:30 P.M.
Town Hall Council Chambers, 26379 Fremont Road

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

Mayor Warshawsky called the City Council Special Meeting to order at 6:55 p.m. in the Council Chambers at Town Hall.

Present: Mayor Dean Warshawsky, Mayor Pro Tem Craig A.T. Jones, Councilmember Breene Kerr, Councilmember Jean Mordo and Councilmember Mike O'Malley. (Due to a travel commitment, Councilmember Mordo left the meeting at 8:55 p.m. and did not participate in votes on agenda items: 5.1.1a, 5.1.1b, 5.1.6a, 6.1, 7.0, and 9.1)

Absent: None

Staff: City Manager Carl Cahill; Public Works Director/City Engineer Henry Louie, Planning Director Debbie Pedro, Associate Planner Brian Froelich, City Attorney Steve Mattas, and City Clerk Karen Jost

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to limit comments from the floor to two minutes.

MOTION SECONDED AND CARRIED: Moved by O'Malley, seconded by Kerr and passed unanimously to adjourn the City Council meeting at 10:30 p.m. Any item under consideration would be continued to completion and any items that had not been introduced would be forwarded to the next regularly scheduled meeting.

City Attorney Steve Mattas advised Council that as a result of the closed session discussions prior to the regular meeting, consideration of agenda item 6.2 and the closed session items scheduled for the regular meeting could be continued to the next Council meeting scheduled for March 22, 2006.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Jones and passed unanimously to continue agenda item 6.2 and closed session items #2 and #3 to the March 22, 2007 regular City Council meeting agenda.

2. APPOINTMENTS AND PRESENTATIONS

2.1 Consideration of Request for Appointment of Alternate to the Santa Clara County Cities Association Recycling and Waste Reduction Commission.

Council reviewed the request from Cupertino Councilmember Dolly Sandoval for a Los Altos Hills council representative to serve as an Alternate to the SCCCA's Recycling and Waste Reduction Commission. Due to their commitment schedule, Council was unavailable for the appointment. The City Clerk was directed to send a letter to the Association and Councilmember advising them of their decision.

2.2 Consideration of Appointment of Councilmember Delegate to ABAG's Spring General Assembly and Annual Business Meeting

Item continued to the March 22, 2007 Council meeting. The City Clerk was directed to provide the Council additional information on the business meeting agenda and platforms being considered.

3. PLANNING COMMISSION REPORT

Planning Director Debbie Pedro reported that the Planning Commission at their March 1, 2007 meeting had considered two projects: Lands of Zanjani, a request for a Conditional Development Permit for a new residence with a variance to allow a trash enclosure and two required surface parking spaces to encroach within the side yard setback; and, a Conditional Use Permit renewal for an existing/previously approved wireless communications facility. Lands of Zanjani was approved by a 4-1 vote. The Planning Commission recommended approval of the Conditional Use Permit for the Sprint communications facility and it would be forwarded to Council for their consideration at a future meeting in April.

4. CONSENT CALENDAR

MOTIONED SECONDED AND CARRIED: Moved by Mordo, seconded by O'Malley and passed unanimously to approve the consent calendar, specifically:

- 4.1 Approval of Minutes: Regular City Council Meeting February 8, 2007
- 4.2 Review of Disbursements: 1/31/2007 – 2/27/2007 \$357,776.08
- 4.3 Monthly Financial Report
- 4.4 Approval of Extension of Agreement for Audit Services – Resolution 7-06
- 4.5 Approval of Purchase of Global Positioning Tracking System (GPS) for Fleet Management
- 4.6 Approval of 2006-2007 Agreement for Information Technology Services – Resolution 8-07

4.7 Acceptance of the Moody Road Pathway Project Segment #1A
Resolution 9-07

4.8 Approval of Request for One-Year Extension of Tentative Map, Lands of
JFLP Partnership, 27361 Altamont Road. File #200-04-IS-ND-TM-GD

5. UNFINISHED BUSINESS

5.1 Town Goals

5.1.1 Public Education: Bring the Future of Public Education to a Vote

Mayor Warshawsky provided a brief overview of the Town's negotiating team's recent meeting with Los Altos School District Superintendent Tim Justus and LASD School Board President Bill Cooper. Mayor Warshawsky, John Radford and Bart Carey had met with the LASD representatives on March 6, 2007 as a follow up to their earlier discussions held in February. Warshawsky believed the meeting had been productive and informative.

Warshawsky highlighted the key elements of their two hour discussion. They included:

- 1) Superintendent Justus reported that the District was committed to opening Bullis-Purissima School with a K-3 and adding an additional grade each year. If the enrollment warranted additional classes they would be added sooner. He was remaining flexible.
- 2) The concept of Trusteeships by geography was broached by the negotiating team. Warshawsky believed that additional information on the topic was needed by the Town's negotiating team to have a thorough understanding of the issue and the process for pursuing this approach for representation on the District's Board. Board President Bill Cooper opposed the idea of geographical representation.
- 3) The final issue of discussion at the meeting was location of the Bullis Charter School at Bullis-Purissima. Superintendent Justus was in opposition to the proposal for several reasons. They included: The Bullis Charter School charter was under the jurisdiction of the County, not the District; he did not believe that locating BCS at Bullis-Purissima was a viable solution to the neighborhood school issue that was being resolved by the District with the reopening of Bullis-Purissima school; the Bullis Charter School was not a true public school; and, it was not a solution amenable to everyone. President Cooper did not believe that the bond previously passed had stipulated the use of bond funds for a charter school. The District representatives suggested that BCS would have to relinquish some of their independence to be located at the Bullis-Purissima campus.

Warshawsky summarized several of the key elements that he brought away from the meeting. The Town could potentially sponsor discussions between the District and the Bullis Charter School to develop a plan for the two parties to work together. Warshawsky noted that it had also been suggested that a joint status report from the

Town and District be generated and distributed to residents on Public Education. Warshawsky believed that the District's attendance boundary discussions in June were critical.

Duncan MacMillan, resident, provided a synopsis of the discussions that had been going on in parallel to the LASD talks in the Palo Alto Unified School District. He reported that the PAUSD Board had met on March 6, 2007 and approved an Administrative Regulation that defined an Inter District Transfer with a multi-year capability (7 years "no cut" with equal return) and an amendment to a Memorandum of Understanding (MOU) between the two Districts. The amendment removed any limit to the numbers of students that could take advantage of transfers to Bullis-Purissima. MacMillan explained that the two items approved by PAUSD had to date, not been considered by the Los Altos School District.

MacMillan believed that both Districts were working towards a successful opening for Bullis-Purissima. He reiterated the importance of the PAUSD approved Administrative Regulation that required a student apply only once for the transfer from PAUSD that would be valid for seven years. Upon re-entering into PAUSD, the student would be "equal". MacMillan suggested that it was important for the Town to acquire a similar commitment from LASD.

Mayor Pro Tem Jones proposed that it was important for the negotiating team to monitor attendance boundaries and the MOU described by MacMillan to ensure that it is brought to fruition and signed by both parties.

Mayor Pro Tem Jones as an additional background item for Council's discussion on public education issues provided an update on the status of the Bullis Charter School. He advised that the school had completed their three year charter with the County Office of Education and were in line for review of the charter. The County staff had recommended a one-two year renewal. Bullis Charter School during the review process had requested a preference for enrollment of Los Altos Hills students. By a unanimous decision, BCS was granted a five year extension of their charter. This action reinforces the obligation of the Los Altos School District to build a new school for BCS when and if a new bond measure is approved in Fall, 2008. Jones noted that the request for a LAH preference failed by a 3-3 vote. He believed that BCS could be a Town solution if the LAH preference was endorsed by the two Districts and approved by the County Committee.

5.1.1a Consideration of Formation of New Education Standing Committee-Mayor Pro Tem Jones

Mayor Pro Tem Jones introduced this item. Council had before them a draft that he had prepared that outlined the mission of the proposed standing committee, membership size and requirements and identified the tasks assigned to the committee members.

The primary charge of the committee was to serve as the City Council's "eyes and ears" on all education issues in Town and to promote public education opportunities for Los Altos Hills resident children.

Council considered the requirement that membership be based on school district boundaries, with four members being residents from the PAUSD and three members residing in the LASD. Council determined that the requirement would not be included in the charter of the standing committee but that membership be a general representation of both school districts with efforts made to ensure the districts were represented.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by O'Malley and passed unanimously to create a new Public Education Standing Committee and direct staff to advertise for the volunteer opportunities with the newly formed committee.

The amended Standing Committee Resolution with the addition of the new Education Committee was scheduled for Council consideration at the March 22, 2007 meeting.

5.1.1b Consideration of "GO Plan" as Framework for Negotiations
with the School Districts-Mayor Pro Tem Jones

Duncan MacMillan introduced this item to Council. He proceeded with a PowerPoint presentation that outlined the creation of the Good Outcome (GO) Plan and its key objectives. Following the December 5, 2006 County Committee hearing, a group of interested citizens from both school districts developed a plan that they believed addressed the expressed comments of the County Committee members. The authors were seeking common ground that was amenable to citizens that represented opposing opinions regarding reorganization. Council had before them a copy of the full text of the letter that was sent to the SCCOE Committee on School District Organization detailing the GO plan.

MacMillan reviewed the four common goals that were the keystone of the GO Plan. They included: 1) Preserve existing school choices; 2) Make the border porous; 3) Improve LAH representation; and, 4) Strive for a win-win solution for BCS. MacMillan explained that the citizen group had selected the words behind the major goals with great care in the hopes that the districts would change their basic approach to the Hills and "see" all Los Altos Hills students and all Los Altos Hills public school properties and make their business decisions accordingly. The first three goals were the initial targets of the group, with the realization that if the first three were not achieved, the fourth goal had minimal chance of success.

MacMillan offered that the opening of Bullis-Purissima school was the first step and not the final solution. Every non-LAH student attending the school was a step away from having a neighborhood school. The citizen group also agreed that an open-enrollment charter was not a neighborhood school and was a problem.

MacMillan concluded the presentation by noting that the supporters of the GO Plan would continue to seek closure for the Plan topics from the responsible parties and to that end he requested Council consideration of a resolution in support of the GO Plan as more fully described in the January 25, 2007 letter to the County Committee before Council.

Mayor Pro Tem Jones thanked MacMillan and commended the citizens who had developed the GO Plan. He noted that it further clarified many of the goals already recognized by Council and the former Public Education Committee. Jones recommended that the City Council endorse the Plan. In addition, he recommended that the City Council allocate \$2,500 from unspent funds allocated to redistricting to garner legal advice to have a better understanding of Trusteeships and further address the issue identified in the details of goal #3.

Mayor Warshawsky applauded the efforts of the diverse citizen group for joining together and developing a plan to work for the common goal of education in Los Altos Hills.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by Jones and passed unanimously to adopt a resolution endorsing the Good Outcome (GO) Plan as reflected in the memo dated January 25, 2007 included in the Council packet and to approve the expenditure of \$2,500.00 from the unused reorganization allocated funding. The City Manager will review and approve the invoice payment.

5.1.2 Underground Utilities: Complete Pilot Projects and Assist Underground Assessment Districts

City Engineer/Public Works Director Henry Louie advised Council that the Pilot Projects were on schedule.

5.1.3 Sanitary Sewers: Update and Implement the Master Plan

Councilmember O'Malley reported that Ad Hoc Infrastructure Committee's initial meeting would be scheduled in the near future.

5.1.4 Wireless Communications: Continue to Improve Town Wide Cell Coverage

Planning Director Debbie Pedro provided an update on the three current applications with the Town. All three are presently on hold by the vendors for either budgetary reasons or the prioritization of network development projects. Pedro will keep the Council apprised of any changes.

5.1.5 Complete General Plan Review

Councilmember O'Malley reported that the Wildlife section of the Conservation Element had been scheduled for additional review by the Planning Commission at their April 5th meeting. The Ad Hoc Committee is continuing to meet every two weeks and making good progress.

5.1.5a Consideration of Hearing Date and Town Wide Notification of the General Plan Update

The City Council had before them two types of public noticing materials for the upcoming General Plan hearing: an oversized postcard (5½× 8½) and a letter with the front of the envelope labeled “Public Hearing Notice”. The address side of the postcard was similarly labeled. Following a brief discussion, Council approved the postcard notice. The City Council set the hearing for the April 26, 2007 regular City Council meeting.

5.1.6 Develop Plan For and Begin the Process of Approval of the Building of a New Town Park/Recreation Facility

5.1.6a Consideration of Formation of Ad Hoc Committee on Recreation Field and Facility Investments

Councilmember O’Malley introduced this item. The Parks and Recreation Committee at their last meeting had discussed the proposition that there were a variety of potential investment opportunities for recreation facilities for residents. They had approved the formation of an Ad Hoc Committee to look at specific investments. The Committee recommended Parks and Recreation Committee members Steve Johnson and Scott Vanderlip represent them on the Ad Hoc Committee. Councilmember O’Malley requested Council consideration of two Councilmembers serving on the Ad Hoc Committee.

Council discussion ensued. Council agreed that it would be of value to have a specified body to review recreation investments and to focus public input and channel outside resources and staff assistance through the committee. The expectation was for the Ad Hoc Committee to report out their findings in six months and for the City Council to consider what additional jurisdiction needed to be created at that time.

MOTION SECONDED AND CARRIED: Moved by O’Malley, seconded by Jones to form an Ad Hoc Committee on Recreation Field and Facility Investments with Steve Johnson, Scott Vanderlip and Council representatives Mayor Pro Tem Jones and Councilmember Kerr. Additional members could be considered by the Committee as needed.

5.2 Status Report on Issues Pertaining to the Town Hall Conditional Use Permit

At the request of Mayor Pro Tem Jones this item had been agendaized following the review of the Town Hall Conditional Use Permit at the preceding Council meeting. Jones wished to review what had been approved at the public hearing for the issuance of the Site Development Permit for a Landscape Screening Plan for the New Town Hall. Planning Director Debbie Pedro reviewed the minutes of the Public Hearing for Council and confirmed that the landscape plan that had been approved was the plan that had been installed.

Mayor Pro Tem Jones thanked Pedro for the information.

5.3 Status Report on Residential Zoning Survey

Planning Director Debbie Pedro reported that survey consultant Godbe Research had completed the formatting and review of the telephone survey. The consultant has advised staff that no public review of the survey questions be conducted, offering that it would potentially skew the responses. The questions were available for individual review by Councilmembers in the Planning Director's office.

PUBLIC COMMENTS

Dot Schreiner, Ad Hoc General Plan Update Committee member, addressed Council. She commented that neither her committee nor the Planning Commission had been consulted on the survey. She referred to an earlier resident survey (2001) where the questions had been developed and reviewed by committee.

Mayor Warshawsky thanked Schreiner for her comments.

CLOSED PUBLIC COMMENTS

6. NEW BUSINESS

6.1 Introduction of Proposed Draft Ordinance Amending the Los Altos Hills Municipal Code Pertaining to the Meeting Time of Regular City Council Meetings

City Attorney Steve Mattas introduced this item to Council. The City Council at their February 8, 2007 regular meeting had requested an amendment to the Municipal Code related to city council meeting times and the order of business. Council had before them the draft ordinance. The proposed amendment would set forth the following order of business: City Council meetings would commence at 6:30 p.m. with the roll call and closed session; Council would conclude the closed session by 7:00 or continue the closed session to a later point in the meeting; at 7:00 p.m. the Council would move to open session with presentations, public comments and public hearings as the first agenda items; at 10:00 p.m. if the meeting had not completed, the Council could determine if they wished to finish considering items remaining on the agenda, or, complete the current item and defer business to the beginning of the agenda for the following regular meeting of the Council.

If no closed session were scheduled. The Council meeting would convene at 7:00 p.m.

MOTION SECONDED AND CARRIED: Moved by Kerr, seconded by O'Malley and passed unanimously to waive reading and introduce the ordinance to amend the Municipal Code Section 2-1.101 and Section 2-1.106. (Councilmember Mordo was absent for the vote)

- 6.2 Consideration of Friends of Westwind Compliance with Lease Terms in the January 2004 Lease Between the Town of the Los Altos Hills and the Friends of Westwind and Consideration and Direction Regarding Remedies Provided in the Lease

No Discussion. Item Continued to the March 22, 2007.

7. REPORTS FROM COMMITTEES, SUB-COMMITTEES, AND COUNCILMEMBERS ON OUTSIDE AGENCIES

- 7.1 Community Relations Committee Annual Report and 2007 Town Picnic Proposal – Roy Woolsey, Community Relations Chair

Roy Woolsey, Community Relations Committee Chair, addressed Council. Council had before them a report from the Committee that outlined their activities, charges and duties. Woolsey reviewed the many accomplishments of the Committee over the recent years that included: publishing the quarterly Newsletter; review and processing of resident responses to reply cards included in the Town Newsletter; Newcomer events; organizing the annual picnic; organizing the 50th anniversary celebrations; providing refreshments at a variety of Town events; initiating the Presentation of Colors at Council meetings; and, designing and distributing the volunteer recognition pins.

Woolsey offered that the CRC would continue the recurring items he had identified and additionally the committee was proposing new activities to fulfill their charges and duties. These included: a new interview column in the Town Newsletter-“Meet Your Neighbor”; to review and make suggestions for improvements to the Town website; if directed by Council, develop a procedure for grant reviews; encourage quarterly meetings of the Standing Committee Chairs and the Mayor; and, subject to direction from the Council, prepare a “Welcome to the Town of Los Altos Hills” informational brochure using the recently garnered historical data that was used to develop the history panels.

Councilmember Kerr asked if the Committee had any plans to work with Hidden Villa on their upcoming Summer Concert Series that the Town was sponsoring. Woolsey confirmed that the Committee was actively supporting the series and working closely with Marc Siedel, Hidden Villa.

Woolsey advised that if the Council wished the Committee to become involved in the grant process, the Committee charges and duties be modified to include this duty.

Council thanked Woolsey for his excellent report. No change to the current Council review process for charitable grants was recommended at this time. Council suggested that an annual meeting of committee chairs with the Mayor would be more amenable to Councilmembers very committed schedule.

Roy Woolsey reviewed the Town Picnic proposal with Council. The event is scheduled for Sunday afternoon, June 3, 2007 with a format similar to last year. Dinner and refreshments would be provided with the Fire Department Union Local No. 1165

preparing the meals. Woolsey reported that an antique car show would be the featured attraction at this year's event that was expected to be attended by approximately 1,500 residents and staff. Woolsey reviewed the details of the proposed budget for the event with a total budget of \$19,000.00

Council thanked Woolsey and the Committee for their outstanding service to the Town.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Kerr and passed unanimously to approve the expenditure as proposed by the Community Relations Committee for the Town Picnic of \$19, 000.00

COUNCILMEMBER REPORTS

Councilmember O'Malley reported that he and City Manager Cahill had met with Rich Larson of the West Loyola Committee for Annexation. A representative from Supervisor Liz Kniss' office also attended the meeting. The West Loyola neighborhood is a contiguous area located in the Town's Sphere of Influence with approximately 64 homes. Approximately 84% of the lots are 1 acre or more. O'Malley noted that they were moving forward on the annexation process and would return to Council when the costs associated with the annexation had been identified.

Councilmember Kerr reported that the Town had received two bids for the solar expansion project at Town Hall. Funding for the project had been previously approved by Council but the revised project would be returned to Council at their next meeting. Kerr reported that the revised plan had a better rate of return due to lowering solar prices and improved performance expectations from the project revisions initiated by the EIC.

Kerr reported that he was working on acquiring funding from the VTA for Segment 3 of the Moody Road Pathway project. He was hopeful that the project could be completed this year.

8. STAFF REPORTS

8.1 City Manager

None

8.2 City Attorney

None

8.3 City Clerk

8.3.1 Report on Council Correspondence

None

9. COUNCIL-INITIATED ITEMS

9.1 Consideration of Memorial for Sergeant William Sigua, Los Altos Hills.

Mayor Dean Warshawsky introduced to this item to Council. Council had before them the official casualty announcement for members of Congress and Governors from the Department of the Army announcing the loss of Sergeant William Sigua, 21, of Los Altos Hills. Sergeant Sigua died on January 31, 2007 in Bayji, Iraq, in support of Operation Iraqi Freedom. According to the initial reports, Sergeant Sigua died when his dismounted patrol received small arms fire. Included with the Department of the Army's correspondence was a letter to Friends and Family of William Sigua from Captain Tim Peterman and First Sergeant Micheal Green speaking to his leadership.

Council discussed a fitting Town memorial to honor William Sigua. Council concurred that it would be appropriate to consult with the family to see if they had a preference. Council deemed the Community Relations Committee would be the most suitable Town representatives to work with the Sigua family.

10. PRESENTATIONS FROM THE FLOOR

Gitze Couperus, Page Mill Road, member of the Adobe Creek Collaborative, provided a project status report to Council. He expected the draft EIR and draft report from the Project Engineer to be available for comment on April 17, 2007. Couperus believed that government agencies involved with the project and residents affected by the project were in favor of the latest design. He expected the vote on the Adobe Creek project by the Santa Clara Valley Water District Board of Directors to be scheduled for their consideration in July or August and if approved, construction to begin in summer 2008.

Councilmember O'Malley thanked Couperus and members of the Collaborative for their continuing efforts on the project.

Renne Hannebrink, Moody Road, addressed Council. Council had before them a letter dated March 6, 2007 from Renne and David Hannebrink. Hannebrink spoke to the letter and accompanying photographs and voiced her concerns on the recent work being done on the Moody Road pathway project and the negative impact it had on their property. She requested that the work be temporarily stopped until the issues she outlined in her letter could be addressed. Hannebrink reviewed the damage that had occurred to the trees at her home and the lack of communication from the Town regarding the project.

David Hannebrink, Moody Road, spoke to his concerns regarding the Moody Road pathway project outlined in the letter before Council. He reviewed his proposed "next steps" that included: the Town's consideration of a narrower path and a review of their property with a landscape architect. Hannebrink expressed his opposition to the pathway project and reiterated its negative impact on their property. He requested that the construction on the project be stopped until he had the opportunity to meet with Town staff and resolve the issues. He invited the City Council to meet with them at their residence.

City Manager Cahill explained that the project was under contract and could not be stopped at this time and noted the associated costs to any delay were approximately \$5,000.00 per day. Staff had been available to meet with the Hannebrinks as early as

Thursday (March 8th) or tomorrow. Ms. Hannebrink advised that she was not available to meet with staff until the following Thursday due to work commitments.

Councilmember Kerr offered that discussions of the Pathway Project had been ongoing for three years. He appreciated their concerns but noted that the pathway construction was in the Town's right of way. Kerr offered to visit with them at their residence on Saturday, March 10, 2007 and advised that he would communicate any findings from the meeting to the City Manager and staff.

Nancy Couperus, Page Mill Road, Open Space Committee member, advised the City Council that the final "Wildlife Corridor Map" had just been forwarded to the Committee and staff. She noted that neither staff nor the Council had yet had an opportunity to review the map but she was hopeful that it would be a beneficial tool in identifying those areas in Town critical to wildlife. Couperus spoke to the number of volunteer and research hours that had gone into the development of the map. Couperus additionally advised Council that Andy Lipkus would be lecturing on watershed management March 21, 2007 at the USGS.

11. PUBLIC HEARINGS

11.1 Request for Approval of a Tentative Map for a Two Lot Subdivision and Adoption of a Proposed Mitigated Negative Declaration; Lands of Moeller, 11990 Page Mill Road (File #132-06-IS-ND-TM-GD).

Associate Planner Brian Froelich introduced this item to Council. He advised Council that the item had been reviewed by the Planning Commission on January 4, 2007 and they had voted 4-1 to recommend approval of the proposed mitigated negative declaration and two lot subdivision subject to the findings attached in the staff report before Council. The conditions of approval included a specific requirement that the applicant relocate the driveway for Parcel A.

Froelich proceeded with a PowerPoint presentation that included an aerial of the site and surrounding residences. The proposed subdivision is located at the northeastern intersection of Page Mill Road and Central Drive and surrounded by residential properties with the exception of Foothills Park directly across the street. The subdivision, as proposed, created two lots: Parcel A-1.2 acres and Parcel B-1.4 acres. Each parcel provided a viable building site. Froelich noted that the applicant was proposing an Open Space Easement over the area of steep slopes and a natural drainage swale. The Pathway Committee had recommended dedication of a ten foot pathway easement with the installation of a pathway along Page Mill Road.

Froelich reviewed the conceptual footprints of the residences on each parcel and the driveways to access the residences. Via a PowerPoint graphic, Froelich demonstrated the applicant's original driveway plan and the driveway realignment as recommended by the Planning Commission that redesigned the driveway accessing Parcel A to the west side of the property. Froelich noted that both proposed driveways conformed to the Town's

grading standards. Vegetation removal requirements did vary with the Planning Commission's proposal requiring the removal of two heritage oaks.

Froelich summarized the Commission's decision to require the relocation of the driveway. Following testimony from adjacent neighbors that they would be negatively impacted by headlights from vehicles exiting Parcel A, the Commission had determined that the relocation of the driveway would be an effective mitigation to the issue. Initially, the project applicant's representative had agreed to work with the redesign of the driveway that had been approved by the Planning Commission but in the subsequent weeks to the hearing, the applicant had suggested an alternative mitigation proposal that included a solid 6 foot fence and landscape screening to reduce the impact of vehicle headlights exiting parcel A. The adjacent neighbors, Lands of Killian and Lee, opposed the new mitigation proposal tendered by the applicant.

Froelich advised Council that staff had received several emails since the distribution of the City Council meeting packet and they were available for Council on the dais.

Mayor Warshawsky explained that due to the modifications that had been made to the project since the Planning Commission review, Council did have the option to refer the application back to the Planning Commission for further review.

Planning Director Debbie Pedro concurred with the Mayor's assessment and noted that the Planning Commission had not had the opportunity to review the proposed fence and landscape screening and Council could, as an option to tonight's hearing, refer the application to the Commission to consider the newly proposed mitigation measures.

Mayor Pro Tem Jones requested further clarification on the differences between the original submittal and the one before Council. Pedro reviewed the original plan and the plan before Council that included the redesigned driveway. The Planning Commission's approval had given staff the latitude to redesign the driveway. The applicant had not redesigned the driveway, however, they had agreed on the record at the Planning Commission meeting that they were amenable to the relocation of the driveway and would work with the neighbors on mitigation measures.

Council briefly discussed the option of relocating the driveway to exit Page Mill Road. Public Works Director/City Engineer Henry Louie explained that staff considered this proposal unsafe due to traffic conditions on Page Mill Road.

OPENED PUBLIC HEARING

Applicant's Representative, Jeffrey Lea, Lea & Braze Engineering, addressed Council. He advised the City Council that he was the Project's Engineer and was acting on behalf of the Trustee of the estate of Ms. Moeller.

Lea spoke to several issues that he would like addressed prior to opening the discussion of the driveway. He requested minor amendments to two conditions of approval recommended by the Planning Commission. First, the requirement that both parcels be connected to the sewer system via the sewer lines at the Killian and Lee property. Lea

advised that the line did not have the physical capacity to serve two additional homes and the applicant would require a new sewer line to the Page Mill Road connection. The new line would be oversized to accommodate future hook-ups. Lea requested the condition of approval be modified to allow the applicant to work with staff to identify an appropriate alternative location for the sewer line that was agreeable to the City Engineer. Second, he requested inclusion of language that permitted minor grading for drainage in the Open Space Easement. He explained that it would be shovel work.

Lea commented that emails had been received by staff from Mr. Killian that requested the applicant cooperate with the undergrounding of existing electrical lines. Lea offered that the applicant was amenable to granting an easement to Page Mill Road that could be used by the neighbor for the purpose of undergrounding their existing lines.

Lea explained that the applicant was not prepared at the time of the Planning Commission for the consideration of an alternative driveway proposal. Lea was unavailable to attend the hearing and the applicant had been represented by the Project Manager. They had agreed at the hearing to work with the neighbors and hoped that the new mitigation measures would be acceptable. Lea added that he was of the opinion that the original driveway was a significantly superior design to the new proposal. He believed it was safer and offered greater usability for the property. To address the concerns of the adjacent neighbors, the property lines had been modified prior to Planning Commission submittal to allow the driveway to bend away from the neighbor sooner and mitigate the impact of headlights intrusions on the neighbor's property. The Killan and Lee residence was sited approximately 52 feet away from the property line and this afforded a greater separation from the proposed driveway.

Lea outlined his objections to the new proposed driveway that included safety and traffic issues with the driveway's entrance located closer to the intersection of Page Mill Road and Central Drive. He advised that the vegetation would have to be cleared along Central Drive and Page Mill Road to improve the line of sight.

Lee displayed a schematic of the original driveway with the proposed landscape screening and fence that replicated the affect of vehicle headlights on the adjacent property. He understood the desire of neighbors to have privacy but he believed the distance of separation of the neighbor's residence from the driveway and the proposed fence would lessen the impact of the headlights.

Waidy Lee, Central Drive, adjacent neighbor, shared photos with Council that were taken at night that simulated lights that would be visible at their home in her upstairs bedroom and master bedroom from a vehicle traveling on the originally proposed driveway. She supported the driveway realignment that had been approved by the Planning Commission. Lee offered that due to the property's elevation of fifteen feet above her property, the fence that was being proposed by the applicant would not provide the desired mitigation.

Earl Killian, Central Drive, adjacent neighbor, advised the City Council that he was very concerned with the subdivision application and found it to be problematic. He spoke to

several errors that were in the mitigated negative declaration. Killian advised that he had submitted a letter that more thoroughly detailed his objections to the project. He requested that the applicant be required to underground not just his utilities but all utilities on the property line as a condition of approval. Lee had spoken to the Fire Department and they had suggested that a requirement to widen Central Drive could be imposed at the time of development. He suggested that neighborhood residents opposed any widening of the road and the destruction of the heritage oaks that would be required to make such an improvement.

Helen Cunningham, Central Drive, commented that she understood the rights of the applicant to subdivide their property. However, she was concerned about the potential increase of traffic congestion on Central Drive with the addition of two driveways. She requested Council consideration of an additional traffic study and feasibility of alternative driveway locations before any approval of the tentative map. Cunningham supported the objections of Killian-Lee and opposed any widening of Central Drive.

Resident, Page Mill Road, neighbor directly across from the proposed subdivision addressed Council. He expressed his concern regarding additional traffic and safety concerns as a result of the proposed new driveways located on Central Drive. He requested an additional traffic study be conducted prior to approval of the subdivision. The resident displayed a proposal for a widened "safe haven" for cars and single driveway to serve both parcels located on Page Mill Road.

Jim Patmore, Red Rock Road/Central Drive, advised that there were several potential future projects in the area that could only be accessed from Central Drive. He concurred with the alternative access suggested by the previous speaker. Patmore suggested that this would minimize the traffic on Central and provide a safer vehicle entrance to Page Mill Road.

Eric Clow, Planning Commissioner and resident of Central Drive, strongly supported the alternative driveway alignment option proposed by the Planning Commission. He explained that the realignment had allowed the required mitigated negative declaration to move forward because it called out the impact of vehicle lights in the houses. Clow explained that the realignment could be accommodated without the loss of heritage oaks. He encouraged the Council to require the applicants work with the neighbors to underground the existing utilities. In response to a Councilmember inquiry, Clow explained that the Planning Commission had considered relocation of the driveway to Page Mill Road but believed it had safety concerns.

City Clerk read into the record correspondence from resident Chi-Kai Chien, Central Drive. Chen suggested additional study of the proposed driveways and their impact on Central Drive. He favored a Page Mill Road entrance.

CLOSED PUBLIC COMMENT

Council discussion ensued. Councilmember Mordo noted that there was no ideal location for the driveway given the shape of the lot and it would have an impact on someone. He had no clear preference for the driveway alignment.

Mayor Pro Tem Jones inquired if the applicant had a preference to return to the Planning Commission for further review of their proposed mitigations or approval by the City Council of the realigned driveway. Mr. Lea responded that he was unable to speak for the property's Trustee in his absence but could have an answer in several days to the question. Lea favored having the project approved by the Council as recommended by the Planning Commission with the option of returning to the Planning Commission if he wished further consideration of the driveway requirement.

Jones asked for clarification from the City Attorney regarding the options available to Council. Mattas explained that if the Council upheld the Planning Commission's recommendation, the applicant had the right to return to the Planning Commission to request a modification of the map. Councilmember Mordo suggested that an additional modification to be considered, if the applicant wished, was realignment of the lot lines.

Mayor Pro Tem Jones agreed that the vehicle lights and noise issues from the original driveway alignment was an infringement on the Killian-Lee property. The property owner had a right to subdivide and he believed the Planning Commission's recommendation had accommodated that right and mitigated the impact of the proposal on the adjacent property.

In response to the request from the applicant to modify several conditions of approval, Planning Director Debbie Pedro explained that staff would work with the applicant at the time the Open Space Agreement was prepared to address their concerns regarding modest grading in the Open Space Easement. She noted that the applicant would be required to underground their portion of utilities within the property's boundaries and provide an easement to their neighbors to permit undergrounding.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed unanimously to adopt the Mitigated Negative Declaration and Mitigation Monitoring Program and approve the Tentative map as recommended by the Planning Commission subject to the findings in attachment 2A and recommended conditions of approval as presented in the staff report dated March 8, 2007.

City Manager Carl Cahill confirmed that staff would work with the applicant to revise the sewer alignment as requested by the applicant's representative.

COUNCIL RECESS 8:25 P.M.

COUNCIL RECONVENED TO OPEN MEETING 8:30 P.M.

11.2 Appeal of the Planning Commission's Decision to Approve a 6' Open Wire Mesh Fence and a 6' Wrought Iron Driveway Gate and Request for Authorization

for Minor Encroachment in Pedestrian and Equestrian Trail Easement; Lands of Papp, 13236 Simon Lane CEQA Exemption: 15303
(File # 180-06-ZP)

Planning Director Debbie Pedro introduced this item to Council and proceeded with a PowerPoint presentation. She reviewed a vicinity map of the property and noted that there were currently two existing fences on the property. A 10' pedestrian and equestrian pathway easement along the north property line was dedicated at the time of subdivision. Pedro explained that the City Council, at the recommendation of the Pathways Committee, voted to remove the "future path" on the subject property for the 2005 Master Pathway Plan because it was deemed redundant due to the existing path off of Byrd Lane. No future path was anticipated to be built on the property; but the 10' easement remained. Pedro reviewed the 2005 Master Path Plan map with Council.

Pedro summarized the Planning Commission's approval of the fence application. At their February 1, 2007 meeting, the Planning Commission voted 3-2 to approve the request with the condition that the fence be constructed up to 18" away from the north property line in order to preserve the existing screen hedge growing within the path easement.

Pedro explained that the Fence Ordinance allowed exceptions to the requirements provided that certain findings were made. She reviewed the exceptions that included the following findings: the height and design of the proposed fence, wall, gate or column are compatible with other fences in the neighborhood; the proposed removal of vegetation and trees and disturbance to natural terrain have been minimized; and, the proposed structure is otherwise in compliance with all regulations and policies set forth in the Municipal Code.

Pedro summarized the options before Council. They included: 1) Council could authorize the minor encroachment in the pathway easement and uphold the Planning Commission's decision to approve the fence to be constructed 18" away from the north property line into the pathway easement; 2) approve the fence as proposed by the applicant with the minor encroachment; 3) approve the fence with the condition that it is constructed outside of the pathway easement, 10' away from the north property line and direct staff to modify the conditions of approval to reflect that no encroachment would be allowed within the easement (Pedro noted that this recommendation was consistent with the Fence Ordinance and the Parcel Map); or 4) approve the fence as proposed by the Planning Commission, subject to the applicant dedicating an equivalent easement on the other side to make up for the hedge encroachment and the fence, subject to the Town abandoning the portion of the easement in which the hedge and the fence encroach.

In closing, Pedro advised Council that staff had received a twenty page letter from the attorney representing resident Safra Catz, Byrd Lane, on Tuesday, March 6, 2007. City Attorney Steve Mattas offered that his office had not had the opportunity to completely review and evaluate the letter from Ms. Catz's attorneys. The letter raised a number of complex land use issues. Mattas advised that if the Council chose to hear testimony on the public hearing at the meeting, at the conclusion of the testimony, if they wished to

proceed with any recommendation other than alternative number three as reviewed by the Planning Director, he recommended that Council continue the item to the March 22, 2007 meeting. This would allow staff the appropriate time to provide Council a response to the letter. Mattas explained that option number three did not impact the pathway easement, and he did not believe the issues addressed in the letter would be applicable.

Councilmember O'Malley explained his reasoning behind his appeal of the Planning Commission's approval of the application. He had attended the February 1, 2007 meeting and believed that the Planning Commission had made a commendable effort to appease all concerned parties. O'Malley advised that his concern was the location of the fence in a pathway easement. He offered that although the Council had removed the pathway easement from the Master Path Map, the easement had not been abandoned and could possibly be used at such time that the large parcel behind the subject property was ever subdivided. O'Malley considered pathway easements an asset of the Town and consequently people should not be able to build fences within the easement.

City Attorney Mattas advised that the Council had several options regarding their review of the agenda item. They could entertain a motion to continue the item to an open date without taking public testimony at the meeting. If they chose to accept public testimony and take no action on the item and continue it to a future meeting, no further public testimony would be required at the continued hearing. However, if Council wished, they could reopen the public testimony at the continued hearing.

Council discussion ensued. They agreed that it would be helpful for their deliberations on the issue to have legal advice relative to the different options. City Manager Cahill explained that the City Attorney's office had estimated that review of the Catz counsel's letter could take approximately ten (10) to twenty (20) hours at a considerable cost. He suggested that Council would need to determine if they would underwrite the costs or the applicant. Mayor Pro Tem Jones favored continuing the item to afford Council the opportunity to review the legal advice from the City Attorney. He noted that this would give the applicant an additional two weeks to review his options.

MOTION SECONDED AND CARRIED: Moved by Jones, seconded by Mordo and passed by the following voice vote to continue the public hearing to the City Council March 22, 2007 regular meeting.

AYES: Warshawsky, Jones, Mordo and O'Malley

NOE: Kerr

Mr. Papp requested clarification on the legal costs that had been discussed regarding his project. He believed they were not appropriate for a fence project.

City Manager Cahill explained that the estimated costs for legal advice were between \$2,000 and \$4,000. All applicants agree to pay for costs associated with the submittal of their project and he recommended against the City Council paying for the costs of the analysis. Council concurred with his recommendation. It was noted that the applicant could avoid the legal fees by accepting option number three.

12. CLOSED SESSION

Council did not convene the Closed Session. The Closed session agenda items were continued to the March 22, 2007 Regular City Council Meeting.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS:

Pursuant to Government Code Section 54956.8

Property: APN 182-52-009 (Town-owned property on Storyhill Lane)

Agency Negotiators: Carl Cahill and Steve Mattas

Under Negotiation: Terms of Sale

CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION:

Pursuant to Government Code Section 54956.9(a)

Gheyri v. Town of Los Altos Hills, et al

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

(Pursuant to Government Code Section 54956.9(c))

Initiation of Litigation: One Case

13. ADJOURNMENT

There being no further business, the meeting was adjourned by consensus of the City Council at 10:10 p.m.

Respectfully submitted,

Karen Jost
City Clerk

The minutes of the March 8, 2007 Regular City Council meeting were approved as presented at the March 22, 2007 Regular City Council meeting.